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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,781	03/30/2004	Terry D. Good		5015

7590 01/28/2005  
Terry D. Good  
110 Williams Road  
Portersville, PA 16051

EXAMINER

PAPE, JOSEPH

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/812,781

Applicant(s)

GOOD, TERRY D.

Examiner

Joseph D. Pape

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/30/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is long and cumbersome. The following title is suggested: A Rack System for Construction Scaffolding.
2. The abstract of the disclosure is objected to because it is not in the form of a single paragraph. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

3. The drawings are objected to because Figures 2-3 do not include appropriate use of reference numbers for a better understanding of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

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Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The claim is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Specifically, insufficient structure is set forth in the claims to "hang scaffold panels" and to "retain scaffold platforms". Further there is no relationship recited for the three elements set forth that is present in the instant invention to form a complete "rack

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system". Also, the claim recites "troughs and bins" while only a trough is disclosed as being part of the instant invention.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. The claim is rejected under 35 U.S.C. 102(b) as being anticipated by Lamar.

Lamar discloses a rack assembly 1 which includes means 50, 51, 52, and 53 which enable several rack assemblies to be stacked for storage to form a "rack system" as recited in the claim. The rack system includes support arms 28, 29 with upwardly directed ends to form retainers which are capable of having scaffold panels hung therefrom. The rack system also includes compartments, one on each rack assembly, bounded by the frame members 2, 3, 4, 5 which are shown in the figures as receiving scaffold panels but are capable of receiving scaffold planks or platforms as well. Finally, the rack system of Lamar includes bins 20, one on each rack assembly, capable of holding bracing and accessories. These bins can also be described as being troughs as broadly as recited. The

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rack system of Lamar is capable of being mounted to a transport device for transporting to or from a work site.

### **Pro Se Information**

8. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### **Proposed Claim**

9. Applicant's request under 707.07(j) for assistance in drafting an allowable claim is acknowledged. Below is a claim drafted by the examiner which is presented for your consideration and which is considered to distinguish patentably over the prior art of record.

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Proposed claim:

A rack system mountable to a horizontal portion of a transport device for storing and transporting construction scaffolding including scaffold panels, scaffold platforms, and scaffold bracing, said rack system comprising:

a plurality of upright supports extending upwardly from the horizontal portion of the transport device and being arranged in laterally spaced pairs;

a support arm being connected to each pair of said plurality of upright supports at upper ends thereof, wherein both ends of each said support arm extends laterally outward from each pair of said plurality of upright supports on opposite sides thereof so as to be configured to receive the scaffold panels on either side of the rack system;

a retainer being provided at each end of each support arm and extending upwardly from a top surface of each support arm so as to be configured to prevent the scaffold panels from sliding off of the support arms;

means provided on each of said plurality of upright supports for securing the scaffold panels thereto;

a plurality of rectangular angle iron frames horizontally disposed and longitudinally extending between said pairs of said plurality of upright supports to form at least two compartments configured to receive the scaffold platforms; the plurality of rectangular angle irons extending forwardly beyond a forward most pair of said plurality of upright supports and extending rearwardly beyond a rearward most pair of said plurality of upright supports, wherein a vertically disposed pair of front corner angles and a vertically disposed pair of rear corner angles are connected to the front ends and the

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rear ends, respectively, of the plurality of rectangular angle iron frames, the front corner angles being configured to retain the forwardly disposed ends of the scaffold platforms and means for retaining the rearwardly disposed ends of the scaffold platforms being provided on the rear ends of several of the plurality of rectangular angle iron frames; and

a trough including side panels secured to the plurality of upright supports and front and side panels secured to the front and rear pairs of corner angles, respectively, which is configured to receive scaffold bracing therein.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited reference generally relate to the current invention.

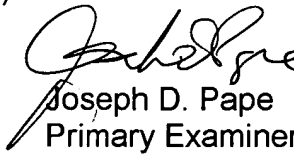
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612

Jdp

January 20, 2005